

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OA) No.3150 of 2018

Brahmananda Behera

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.09.2022

Order No

- 02.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. On the oral prayer made by Mr. B.B. Acharya, learned counsel for the Petitioner, he is permitted to implead Odisha Rural Housing Development Corporation, Bhubaneswar as Opp. Party No. 5.
3. Heard Mr. B.B. Acharya, learned counsel for the Petitioner and Mr. R.N. Acharya, learned Standing Counsel appearing for the Opp. Party-Department.
4. The Petitioner has filed the present writ Petition challenging the communication issued by the BEO, Gop on 17.05.2018 under Annexure-1. It is submitted that vide the said communication O.P. No. 4 while directing the Petitioner to deposit a sum of Rs.4,05,560/- (Rs. Four lakh five thousand five hundred sixty) before the O.P. No. 5, held that if the Petitioner fails to deposit the said amount will be recovered from the monthly salary of the Petitioner.

5. It is submitted by learned counsel for the Petitioner that the Petitioner availed a loan of Rs.50,000/- (Rs. Fifty thousand) from the O.P. No. 5-Corporation and the School Authority was due to deduct the monthly installment from the salary of the Petitioner. It is further submitted that because of laches of the School Authority the monthly installment was not deducted regularly and accordingly such liability has been fixed on the Petitioner as reflected in Annexure-1.

6. Mr. Acharya, learned counsel for the Petitioner accordingly submitted that the School Authority has no authority to issue such demand under Annexure- and it is to be interfered by this Court.

7. Mr. R.N. Acharya, learned Standing Counsel on the other submitted that the Petitioner while continuing under the administrative Control of O.P. No. 4, he availed the loan of Rs.50,000/- (Rs. Fifty Thousand) from the Corporation on 29.09.2001 and the Corporation in terms of the letter issued by the Govt. in the Finance Department on 18.12.2004 under Annexure-A/4 is pressing herd for realization of the loan amount from the monthly salary of the Petitioner. Accordingly, Mr. Acharya, learned Standing Counsel submitted that there is no illegality in the communication issued under Annexure-1.

8. Heard learned counsel for the Parties. Perused the materials available on record. This Court after going through the same finds that the Petitioner availed the housing loan from the Corporation on 29.09.2001 to the extent of Rs.50,000/- (Rs. Fifty thousand). It is also submitted that the Petitioner has paid substantial amount towards the said loan amount in the meantime though deduction made from the Petitioner's salary.

9. In that view of the matter, the Petitioner is permitted to move the O.P. No. 5 for settlement of the loan account through OTS and/or compromise. It is observed that if any such application is moved by the Petitioner before the O.P. No. 5 along with a deposit of Rs.10,000/- (Rs. Ten thousand) within a period of one month from today, O.P. No. 5 shall consider the prayer for one time settlement and/or compromise of the loan account by giving a personal hearing to the Petitioner. O.P. No. 5 is also directed to indicate the amount to be paid by the Petitioner after such settlement/compromise within a further period of one month from the date of receipt of the application along with a sum of Rs.10,000/- (Rs. Ten thousand).

10. Till a fresh decision is taken by the O.P. No. 5 no recovery shall be effected from the salary of the Petitioner. However, it is observed that if the Petitioner fails to make an application along with the amount as indicated hereinabove within a period of one month from today, the School Authority will be at liberty to recover the loan amount in suitable installments from the monthly salary of the Petitioner.

11. The writ Petition is disposed of with the aforesaid observation and directions.

(Biraja Prasanna Satapathy)
Judge

Sneha